IN RE: PETTT

PETITION FOR VARIANCE

E/S Burmont Avenue, 730' S of

the c/l of Trent Road (3625 Burmont Avenue) 2nd Election District 2nd Councilmanic District

David A. Griffin, et ux

Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 96-277-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 3625 Burmont Avenue, located in the vicinity of Liberty Road in Randallstown. The Petition was filed by the owners of the property, David A. and Launda L. Griffin, in response to a complaint registered by an adjoining property owner with the Department of Permits and Development Management (PDM) as to the location of a 6-foot high fence on the subject property. Specifically, the Petitioners seek relief from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing 6-foot high fence to be located in the side and rear yard which abuts a neighbor's front yard at a distance of as close as 0 feet in lieu of the required 30 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David and Launda Griffin. There were no Protestants or other interested persons present; however, documentation in the file indicates that the adjoining property owners, Ron and Andrea Allen, initiated a complaint which brought about the hearing in this matter.

Testimony and evidence offered revealed that the subject property consists of .269 acres, more or less, zoned D.R. 5.5 and is improved with

ORDER RECEIVED FOR FILING

ADER RECEIVED FOR FILLING
AND STATES STATES

a single family dwelling. The Petitioners testified that they acquired the property in June 1994, shortly after their house was built. The subject property is part of a minor subdivision which is comprised of three lots. The Petitioners' lot, identified as Lot 1 on the site plan, directly fronts Burmont Avenue. A second lot, identified on the plan as Lot 3, is similar in orientation and configuration to the Petitioners' lot and also has frontage on Burmont Avenue. That lot has also been improved with a single family dwelling. The third lot, identified on the plan as Lot 2, is a panhandle lot which is located to the rear of Lots 1 and 3. Lot 2 is owned by Ron and Andrea Allen. Vehicular access to Lot 2 is provided by way of a panhandle driveway which runs between Lots 1 and 3. The front and side yards of Lot 2 abut Lot 1.

Testimony revealed that in February, 1995, the Petitioners obtained a permit for and erected the subject board-on-board fence, along the side and rear yards of their lot, abutting Lot 2 to the rear. The Petitioners testified that they erected this fence to provide privacy, as well as to provide a secure area for their small child and the family's pet Lab. Apparently, after the construction of this fence, an unrelated dispute arose between the Petitioners and their neighbors on Lot 2. A complaint to the Permits and Development Management office brought about an inspection of the property and the subject variance request.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. Were the Petitioners required to maintain a 30-foot setback, the fence would be unusable and of no practical benefit. This is a relatively small lot and the construction of a fence around the perimeter of same is appropriate. Moreover, the unique factor associated with this lot is its orientation and the layout of this



ORDER RECEIVED FOR FILING
Date 3/5
By

minor subdivision. The placement and configuration of the lots, particularly the utilization of Lot 2 (the Allen property), results in that lot's front yard abutting the rear and side yards of the Petitioners' lot. Obviously, these site constraints eliminate the possibility of the construction of a fence if strict adherence to the regulations were required. The Petitioners' needs for privacy and security justify construction of the fence. Moreover, the photographs show that same is attractively built and maintained.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

County this day of March, 1996 that the Petition for Variance seeking relief from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing 6-foot high fence to be located in the side and rear yard which abuts a neighbor's front yard at a distance of as close as 0 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that a 30-day appeal period runs from the date of this Order. If an appeal is filed and this Order is reversed, the relief granted would be rescinded and the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

March 15, 1996

Mr. & Mrs. David A. Griffin 3625 Burmont Avenue Randallstown, Maryland 21133

RE: PETITION FOR VARIANCE

E/S Burmont Avenue, 730' S of the c/l of Trent Road

(3625 Burmont Avenue)

2nd Election District - 2nd Councilmanic District

David A. Griffin, et ux - Petitioners

Case No. 96-277-A

Dear Mr. & Mrs. Griffin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. & Mrs. Ron Allen 3627 Burmont Avenue, Randallstown, Md. 21133

People's Counsel

File

Petition for Variance to the Zoning Commissioner of Baltimore County

RYLAND		assimilar of Darthiore County
for the property k	cated at	3625 BURMONT ave
16-211-41		which is presently zoned DR5.5
A 6' fence to be enec Abuts A Neighbors Close As 0' D of the Zoning Regulations of Baltimore County, to practical difficulty)	stuate in Baltim or a Variance from test in Frant ites of the Zoning Law	nits & Development Management
Property is to be posted and advertise I, or we, agree to pay expenses of above Variance bound by the zoning regulations and restrictions	re edvertising n	ed by Zoning Regulations. osting, etc., upon filing of this petition, and further agree to and are to County adopted pursuant to the Zoning Law for Baltimore County.
		I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee.		Legal Owner(s).
(Type or Print Name)		David Anthony Griffin
Signature		Signature Signature
Address		Launda Lillian Griffin
City State	Zipcode	Launda & Soffin
Attorney for Petitioner.	aipoode	3625 BURMONT BURE W-752-02
(Type or Print Name)		Address Phone No Phone No Phone No Phone No
Signature		City State Zipcode Name, Address and phone number of representative to be contacted.
Address Phone No.		Name
State	Zipcode	Address Phone No
		OFFICE USE ONLY
		ESTIMATED LENGTH OF HEARING
		unavallable for Hearing the following dates
Printed with Saybean Ink		ALL OTHER

Revised 9/5/95

January 10, 1996

96-277-A

Attention: Zoning Commissioner of Baltimore County,

We David A. and Launda L. Griffin wish to file a petition for a variance for the following reasons.

We are in the process of saving for a pool to be located in the backyard. For safety and security reasons we would rather have a six foot fence surrounding our property than a forty-two inch fence. There are many children in our neighborhood and several teenagers. We dread the thought of someone being able to jump our fence and drown in a pool, while someone is not home. We understand that a pool is not a necessity. It is just a comfort we would like to have as home owners. We would like to know that we did everything possible to prevent children from having access to the pool without our permission or supervision. We also have an existing play set in our yard that before we completed the fence I (Launda Grifffin) have come home and some of the neighborhood children were playing on the swing set. For safety reasons I do not wish to have any children playing on that swing set without an adult in my home. One of the most important reasons to have our fence six feet is because we have a dog (German Shepherd/Lab). Our dog stands about five feet tall on two legs. She is not able to jump our fence the way it stands now. We are positive she would be able to jump a forty-two inch fence. Our dog is our family pet, she is trained and well behaved in our presence. She has snapped at small children before. Our neighbors, Ron and Andrea Allen 3627 Burmont Ave, have a small grandchild that frequently visits and a eleven year old son that lives with them. Our dog has jumped on Mrs. Allen before we got our fence. She has also jumped on Tia who is a neighbor that lives directly beside us. These two incidents were one of the reasons we put a six foot fence up. I would also like to address the fact that we applied for a permit to put our fence up. When we applied for that permit we had to show how many houses were around our property and which way they were facing. It was not told to us that we could not put up a six foot fence. The permit states that we were putting a six foot fence up. We notified our neighbors that we were putting a six foot fence up, including Ron and Andrea Allen (these are the neighbors who complained about the fence). This was done before we purchased any of the material for our fence. We did not have all of the money needed for our fence so we put the fence up a section at a time. It took us almost three months to complete the fence. Mr. and Mrs. Allen had plenty of time to complain about the height of this fence before it was completed and before we spent the money for materials. It was only after we had a disagreement in December 1995 about the driveway did they file a complaint on our fence. This complaint was filed almost a year after the fence has been up. Our fence does not block the view of there house and an emergency vehicle would be able to identify there address. We feel as though it is necessary for us to have the fence six feet, for safety and security reasons. We are asking you to please understand our hardships and why it is important for us to have this fence remain six feet. We hope that you would allow us a variance at this time.

Thank you, Launda & Anffin

San State State

Degenning box the Same on the appropriation of Head South of the Control of the Same on the Control of the Same of the Control of 35-012-MP land 70M F. 11. # TE-513 containing 1269 been of gound.

Older Knows do 33625 Burnart land and located in the 2008 Election Disput on 2 200 Countrols in Disput 76-277-THEN 270 Lowing Description

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 96- 277-A

Remarks: Date of return: Posted by		Location of Signa Factory The West Conf.	I then In party being Lane	reduction of property 3695 B urmon t Are:	Launda Griffia	1	Date of Posting Hally
	31/11/18		being Land				oding Haffy

Number of Signs: __

NOTICE OF HEARING

The Zoning Commissione Baltimore County by Author of the Zoning Azt and Reo or me zoning Act and Regular link of Batumore County William to the part of th

Case: #96-277-A
(Item 277)
6/25 Burmont Avenue
6/25 Burmont Avenue, approximately 730' S of c/l Trent Rd.
2nd Election District
2nd Councilmanic
1 coal Owner(s): Legal Owner(s); David Anthony Griffin and Launda Lillian Griffin

Variance: to allow a 6 foot fence to be eracted in the side and rear yard which abuts a neighbor's front yard at a dis-tance of as close as zero inches in lieu of the required 30 feet.

Hearing: Wednesday, February 28, 1996 at 11:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handlcapped Accessible; for
special accommodations
Please Call 887-3353.
(2) For information concerning the File and/or Hearing,
Please Call 887-3391.

2/108 Feb. 8. C30271

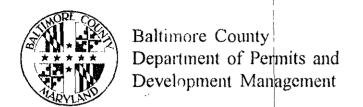
CERTIFICATE OF PUBLICATION

TOWSON, MD.,2/8, 1996
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of successive
weeks, the first publication appearing on $2/8$, 19 96.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

a Buyanda Line ! BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT ACCOUNT CAM RECEIVED FROM: 185 (16) VALIDATION OR SIGNATURE OF CASHIER PINK - AGENCY YELLOW - CUSTOMER



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 277 Petitioner: David A. Launda 1. Griffin
Location: 3625 BURMONT QUE
PLEASE FORWARD ADVERTISING BILL TO:
NAME: David A. Griffin
ADDRESS: 3625 Burmont are
Randallstown md 21133
PHONE NUMBER: (410) - 521-8296

ing: 1°=	80 25.5251 3.02.72.625 80 25.6251 3.02.72.72.72.72.72.72.72.72.72.72.72.72.72	Subdivision name: plat book#,folio#,lot#,section# OWNER: \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\	CRIMATIONS COMMISSIONS
	Vicinity Maj North Scale: 1'=100 LOCATION INFOR Election District: Councilmanic District: So 1'=900' Scale map#: Zoning: Lot size: acreage square WATER Chesapeake Bay Critical Area Prior Zoning Hearings:	es	

TO: PUTUXENT PUBLISHING COMPANY
February 8, 1996 Issue - Jeffersonian

Please foward billing to:

David A. Griffin 3625 Burmont Avenue Randallstown, MD 21133 521-8296

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-277-A (Item 277)

3625 Burmont Avenue

E/S Burmont Avenue, approximately 730' S of c/l Trent Road

2nd Election District - 2nd Councilmanic

Legal Owner: David Anthony Griffin and Launda Lillian Griffin

Variance to allow a 6 foot fence to be erected in the side and rear yard which abuts a neighbr's front yard at a distance of as close as zero inches in lieu of the required 30 feet.

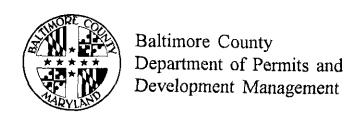
HEARING: WEDNESDAY, FEBRUARY 28, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 - (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Maria Commence

Printed with Soybean Ink



Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 31, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-277-A (Item 277)

3625 Burmont Avenue

E/S Burmont Avenue, approximately 730' S of c/1 Trent Road

2nd Election District - 2nd Councilmanic

Legal Owner: David Anthony Griffin and Launda Lillian Griffin

Variance to allow a 6 foot fence to be erected in the side and rear yard which abuts a neighor's front yard at a distance of as close as zero inches in lieu of the required 30 feet.

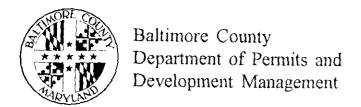
HEARING: WEDNESDAY, FEBRUARY 28, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon Director

cc: David and Launda Griffin

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 21, 1996

Mr. and Mrs. David Griffin 3625 Burmont Avenue Randallstown, MD 21133

RE: Item No.: 277

Case No.: 96-277-A

Petitioner: D. A. Griffin, et ux

Dear Mr. and Mrs. Griffin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM) Zoning Review, on January 18, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.

f ...

Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: February 5, 1996 TO: Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief Development Plans Review Division

Zoning Advisory Committee Meeting RE: for February 5, 1996 Item No. 277

The Development Plans Review Division has reviewed the subject zoning item. The proposed fence shall not interfere with the line of sight.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: February 2, 1996

TO:

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 273, 274,

275, (277) 278, 279, 281, 282, and 285

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 01/29/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 29, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:271, 272, 273, 274, 276, 277 AND 278.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean link on Recycled Paper



David L. Winstead Secretary Hal Kassoff Administrator

1-26-96

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baitimore County Item No. 277 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

My telephone number is _

Very truly yours,

Bob Small

Ronald Burns, Chief Engineering Access Permits

Division

BS/es

Williams.

RE. PETITION FOR VARIANCE	*	BEFORE THE
3625 Burmont Avenue, E/S Burmont Ave,		
appx. 730' S of c/l Trent Road, 2nd	*	ZONING COMMISSIONER
Election District, 2nd Councilmanic		
	*	OF BALTIMORE COUNTY
David and Launda Griffin		
Petitioners	*	CASE NO. 96-277-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Max Timmeiman

eta flas Zimmeiman

CAROLE S. DEMILIO

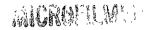
Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to David and Launda Griffin, 3625 Burmont Avenue, Randallstown, MD 21133, Petitioners.

PETER MAX ZIMMERMAN



96-277-A



-

, tw

•			accom		
	P	ROPERTY.	ADDRESS:	3625	BURI
			MINOR S		-012
	· ·		,tolio#,	•••	
	, C	WNER: 1	1 to biva	Aunch	SRIF
				•	•
	3841.4 1/1	Report		5 590 26	20 E
	8 7 87		700. CSX 30	OOP J	كانكاح
lie lie	N. W. J. Janes	LA SUCY !	17.17.28	- Com n	
600 23/8		181 S			No.
100 00 W		₩	87 3 39		
0. (45 V.C)		TOTAL S		6300	
		59.20 20	****	140.12	
	11/11/19	2º 41 & H.C.		36.37	
7,3		SPROP SIB"	MM. d. & T		
		E 1808 SIST	mm de	÷/30	
	Kreve Vs.		mm & 152	35.1	
			152	35.7	
	CARON SION WHE	8.25 8.25 6.25 6.25 6.25 6.25 6.25 6.25 6.25 6	15 Z	35.	
	Charles wife		152	35 7	
	CONTRACTOR OF THE PARTY OF THE	583.25 583.25 precie precie precie signature	152	35 7 20 20 20 20 20 20 20 20 20 20 20 20 20	
	Charles wife	8.25 8.25 6.25 6.25 6.25 6.25 6.25 6.25 6.25 6	152	35 7 8 8	
	Charles wife	583.25 583.25 precie precie precie signature	N 59° 26	20° W	
	Charles wife	182 CO 18	152	20° W	
	Charles wife	583.25 583.25 precie precie precie signature	152	20° W	NO CO COM
	Charles whe	182 CO 18	N 59° 26	- in some	O O O O O O O O O O O O O O O O O O O
	Charles whe	182 CO 18	152	- in some	Scale

ion for Zoning \(\sum \) Variance	
ONT AVE SEE PAGES 5 & 6 of the CH -MP PDM File II-513	SECKLIST for additional required information $96-277-A$
203.40 203.40 203.40	TRent X Pent
575 575	Vicinity Map Scale: 1'=1000'
Sept 2 Se	LOCATION INFORMATION Election District: 2 Councilmanic District: 2 1'=200' scale map#: NW & T
B Similar and Simi	Zoning: DRS.5 Lot size: 1269 1777 Rereage square feet
Move to the 72 in the	SEWER: WATER: WATER:
362.00 September	Chesapeake Bay Critical Area: Prior Zoning Hearings: None Known
of Drawing: 1'= 30' MCROFILMED	Zoning Office USE ONLYI reviewed by: ITEM #: CASE#: CAM 277





















Petitioners

* ZONING COMMISSIONER * OF BALTIMORE COUNTY

2nd Councilmanic District * Case No. 96-277-A David A. Griffin, et ux

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 3625 Burmont Avenue, located in the vicinity of Liberty Road in Randallstown. The Petition was filed by the owners of the property, David A. and Launda L. Griffin, in response to a complaint registered by an adjoining property owner with the Department of Permits and Development Management (PDM) as to the location of a 6-foot high fence on the subject property. Specifically, the Petitioners seek relief from Section 427.B of the Baltimore County Zoning Regulations (P.C.Z.R.) to permit an existing 6-foot high fence to be located in the side and rear yard which abuts a neighbor's front yard at a distance of as close as 0 feet in lieu of the required 30 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David and Launda Griffin. There were no Protestants or other interested persons present; however, documentation in the file indicates that the adjoining property owners, Ron and Andrea Allen, initiated a complaint which brought about the hearing in this matter.

Testimony and evidence offered revealed that the subject property consists of .269 acres, more or less, zoned D.R. 5.5 and is improved with a single family dwelling. The Petitioners testified that they acquired the property in June 1994, shortly after their house was built. The subject property is part of a minor subdivision which is comprised of three lots. The Petitioners' lot, identified as Lot 1 on the site plan, directly fronts Burmont Avenue. A second lot, identified on the plan as Lot 3, is similar in orientation and configuration to the Petitioners' lot and also has frontage on Burmont Avenue. That lot has also been improved with a single family dwelling. The third lot, identified on the plan as Lot 2, is a panhandle lot which is located to the rear of Lots 1 and 3. Lot 2 is owned by Ron and Andrea Allen. Vehicular access to Lot 2 is provided by way of a panhandle driveway which runs between Lots 1 and 3. The front and side yards of Lot 2 abut Lot 1.

Testimony revealed that in February, 1995, the Petitioners obtained a permit for and erected the subject board-on-board fence, along the side and rear yards of their lot, abutting Lot 2 to the rear. The Petitioners testified that they erected this fence to provide privacy, as well as to provide a secure area for their small child and the family's pet Lab. Apparently, after the construction of this fence, an unrelated dispute arose between the Petitioners and their neighbors on Lot 2. A complaint to the Permits and Development Management office brought about an inspection of the property and the subject variance request.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. Were the Petitioners required to maintain a 30-foot setback, the fence would be unusable and of no practical benefit. This is a relatively small lot and the construction of a fence around the perimeter of same is appropriate. Moreover, the unique factor associated with this lot is its orientation and the layout of this

- 2-

minor subdivision. The placement and configuration of the lots, particularly the utilization of Lot 2 (the Allen property), results in that lot's front yard abutting the rear and side yards of the Petitioners' lot. Obviously, these site constraints eliminate the possibility of the construction of a fence if strict adherence to the regulations were required. The Petitioners' needs for privacy and security justify construction of the fence. Moreover, the photographs show that same is attractively built and maintained.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of March, 1996 that the Petition for Variance seeking relief from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing 6-foot high fence to be located in the side and rear yard which abuts a neighbor's front yard at a distance of as close as 0 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners are hereby made aware that a 30-day appeal period runs from the date of this Order. If an appeal is filed and this Order is reversed, the relief granted would be rescinded and the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Mum ESAma LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

SEIVED FOR

LES:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

March 15, 1996

Mr. & Mrs. David A. Griffin 3625 Burmont Avenue Randallstown, Maryland 21133

RE: PETITION FOR VARIANCE E/S Burmont Avenue, 730' S of the c/l of Trent Road (3625 Burmont Avenue) 2nd Election District - 2nd Councilmanic District David A. Griffin, et ux - Petitioners Case No. 96-277-A

Dear Mr. & Mrs. Griffin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

SMU & SMU LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. & Mrs. Ron Allen 3627 Burmont Avenue, Randallstown, Md. 21133

People's Counsel

Printed with Soybean Ink

Variance: to allow a 6 foo

LAWRENCE E. SCHMIDT

Petition for Variance to the Zoning Commission for the property located at 3625 BurmonT Que which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits & Development Management
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEC 427. B to Allow A 6' Fence to be exected in the side and REAR YARD which Abuts A Naishburs from 1 Ard At A distance of As Close As O' | D | es of the Regulations of Beltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or

See attached

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

				nd affirm, under the penalties of perjury, which is the subject of this Petition.	that I/we are the
intract Purchaser/Lessee:			Legal Owner(s).		
				Whony Gri	ffin
rpe or Print Name)			(Type of Print Name)	11 5-1	
			Grid 1	They off	
gnature			Signature		
			Launda	Lillian Gri	FEIN
dress	•		(Type or Print Name)		
			Launda	& Anthi	
у	State	Zipcode	Signature		H-521-8296
orney for Petitioner:		٠.	Diar D		w-752-024D
			3675 Bu	MON lave	
pe or Print Name)		-	Address	Phone	: No
			Landalls	town Md 2	1133 Zipcode
gnature				umber of representative to be contacted	
dress	Phone No.		Name		
у	State	Zipcode	Address	Phone	Na
				OFFICE USE ONLY	
			ESTIMATED LENGTH OF H		
				manufichia for Hearing	

ECEIVED FOR FILLING

96-277-A

Attention: Zoning Commissioner of Baltimore County,

We David A. and Launda L. Griffin wish to file a petition for a variance for the following reasons.

We are in the process of saving for a pool to be located in the backyard. For safety and

security reasons we would rather have a six toot fence surrounding our property than a forty-two inch fence. There are many children in our neighborhood and several teenagers. We dread the thought of someone being able to jump our fence and drown in a pool, while someone is not home. We understand that a pool is not a necessity. It is just a comfort we would like to have as home owners. We would like to know that we did everything possible to prevent children from having access to the pool without our permission or supervision. We also have an existing play set in our yard that before we completed the fence I (Launda Grifffin) have come home and some of the neighborhood children were playing on the swing set. For safety reasons I do not wish to have any children playing on that swing set without an adult in my home. One of the most important reasons to have our fence six feet is because we have a dog (German Shepherd/Lab). Our dog stands about five feet tall on two legs. She is not able to jump our fence the way it stands now. We are positive she would be able to jump a forty-two inch fence. Our dog is our family pet, she is trained and well behaved in our presence. She has snapped at small children before. Our neighbors, Ron and Andrea Allen 3627 Burmont Ave. have a small grandchild that frequently visits and a eleven year old son that lives with them. Our dog has jumped on Mrs. Allen before we got our fence. She has also jumped on Tia who is a neighbor that lives directly beside us. These two incidents were one of the reasons we put a six foot fence up. I would also like to address the fact that we applied for a permit to put our fence up. When we applied for that permit we had to show how many houses were around our property and which way they were facing. It was not told to us that we could not put up a six foot fence. The permit states that we were putting a six foct fence up. We notified our neighbors that we were putting a six foot fence up, including Ron and Andrea Allen (these are the neighbors who complained about the fence). This was done before we purchased any of the material for our fence. We did not have all of the money needed for our fence so we put the fence up a section at a time. It took us almost three months to complete the fence. Mr. and Mrs. Allen had plenty of time to complain about the height of this fence before it was completed and before we spent the money for materials. It was only after we had a disagreement in December 1995 about the driveway did they file a complaint on our fence. This complaint was filed almost a year after the fence has been up. Our fence does not block the view of there house and an emergency vehicle would be able to identify there address. We feel as though it is necessary for us to have the fence six feet, for safety and security reasons. We are asking you to please understand our hardships and why it is important for us to have this fence remain six feet. We hope that you would allow us a variance at this time.

ITTEH 277 Being Got I in the munion Subdivio Numbered 93-012-MP and 7DM File # II-513 containing , 269 acres of ground.

fence to be erected in the side and rear yard which abuts a neighbor's front yard at a dis-tance of as close as zero inches in fieu of the required (2) For information concerning the File and/or Hearing, Please Call 887-3391.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 01_ 277-17-

	Towner, Maryland
District Inch Posted for: Variance	Date of Posting 1/9/96
Petitioner: Devid of Launda 6	iri Ffin
Location of property: 3625 Burnon	t Are.
acation of Some Facing 700 d	Wey on froporty being tous &
lemarks:	
	2-118/26
osted by Sentere	Date of return: 7/19/96
fumber of Signs: /	

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

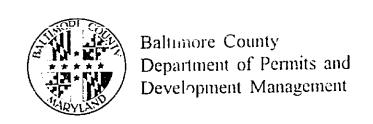
published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 2/8, 1996

> THE JEFFERSONIAN. LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE-REVENUE DIVISION MISCELLANEOUS CASH FECEIPT FOR: BES VARIANCE

3625 OF THE STATE OF THE SALE

Revised 9/5/95



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 277 Petitioner: David A. Launda 1. Griffin
Location: 3625 BURMONT QUE
PLEASE FORWARD ADVERTISING BILL TO:
NAME: David A. Griffin
ADDRESS: 3625 BURMONT are
Randallstown Md 21133
PHONE NUMBER: (410) - 521-8296

on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

for February 5, 1996

interfere with the line of sight.

Item No. 277

RWB:sw

Zoning Advisory Committee Meeting

TO: Arnold Jablon, Director DATE: February 5, 1996 Zoning Administration and Development Management

The Development Plans Review Division has reviewed

the subject zoning item. The proposed fence shall not

David A. Griffin

TO: PUTUXENT PUBLISHING COMPANY

Sebruary 8, 1996 Issue - Jeffersonian

Please foward billing to:

3625 Burmont Avenue Randallstown, MD 21133 521-8296

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-277-A (Item 277) 3625 Burmont Avenue E/S Burmont Avenue, approximately 730' S of c/l Trent Road 2nd Election District - 2nd Councilmanic Legal Owner: David Anthony Griffin and Launda Lillian Griffin

Variance to allow a 6 foot fence to be erected in the side and rear yard which abuts a neighor's front yard at a distance of as close as zero inches in lieu of the required 30 feet.

HEARING: WEDNESDAY, FEBRUARY 28, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Department of Permits and Development Management

Permits and Licenses County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3900 Fax: (410) 887-2824

January 31, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Evenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-277-A (Item 277) 3625 Burmont Avenue E/S Burmont Avenue, approximately 730' S of c/l Trent Road 2nd Election District - 2nd Councilmanic Legal Owner: David Anthony Griffin and Launda Lillian Griffin

Variance to allow a 6 foot fence to be erected in the side and rear yard which abuts a neighbor's front yard at a distance of as close as zero inches in lieu of the required 30 feet.

HEARING: WEDNESDAY, FEBRUARY 28, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Department of Permits and
Development Management Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 21, 1996

Mr. and Mrs. David Griffin 3625 Burmont Avenue Randallstown, MD 21133

> RE: Item No.: 277 Case No.: 96-277-A Petitioner: D. A. Griffin, et ux

Dear Mr. and Mrs. Griffin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM) Zoning Review, on January 18, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Zoning Supervisor

Attachmena(s)

Printed with Soybean lak

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Permits and Development Management

DATE: February 2, 1996

FROM: Pat Keller, Director Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 273, 274, 275, (277,) 278, 279, 281, 282, and 285

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Baltimore County Government Fire Department

700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410)887-4880

DATE: 01/29/96

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BSLOW

LOCATION: DISTRIBUTION MEETING OF JAN. 29, 1996.

Item No.: SEE PELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:271, 272, 273, 274, 276, 277 AND 278.

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink on Recycled Paper

Maryland Department of Transportation State Highway Administration

Secretary Hal Kassoff Administrator

David L. Winstead

1-26-96

RE: Baltimore County > Item No. 277 (CAM)

Towson, Maryland 21204 Dear Ms. Watson:

Ms. Joyce Watson

Baltimore County Office of

Permits and Development Management

County Office Building, Room 109

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

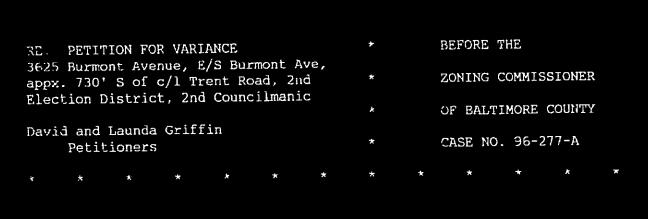
Very truly yours,

Ronald Burns, Chief

Engineering Access Permits Division

My telephone number is __ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

ITEM273/PZONE/ZAC1



ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to David and Launda Griffin, 3625 Burmont Avenue, Randallstown, MD 21133, Petitioners.

(410) 887-2188

Peter Max Zimmerman

Peter MAX ZIMMERMAN



